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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/412,087 10/04/99 BURGE

G 1355-171C *T.R.*

EXAMINER

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TM02/1015

YOUNG, J.
ART UNIT PAPER NUMBER

2162
DATE MAILED:

6
10/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/412,087

Applicant(s)
Burge et al.

Examiner
John Young

Art Unit
2162



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/04/1999
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 20) ☐ Other:

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DRAWINGS

1. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

Content of Specification Objection

2. Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.

The status of nonprovisional parent application(s) (whether patented or abandoned) should also be included.

NOTE: AN ADMISSION IN THE DECLARATION AND POWER OF ATTORNEY SHOWS THAT THE SPECIFICATION DISCLOSING THE INSTANT APPLICATION WAS FILED IN A U.S. PARENT APPLICATION NOW US PATENT NO. 6,014,638 MORE THAN ONE YEAR BEFORE THE INSTANT U.S. APPLICATION WAS FILED (NO PRIORITY IS CLAIMED)!

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Independent claims 1, 6 & 16 and dependent claims 3-5, 7-10 & 18-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over LeMole 6,009,410 (12/28/1999) [US f/d: 10/16/1997] (herein referred to as "LeMole").

As per claim 1, LeMole (the ABSTRACT, FIG. 1; FIG. 2; FIG. 3; col. 2, ll. 12-56; col. 2, ll. 60-67; col. 3, ll. 1-9; col. 4, ll. 10-67; and col. 5, ll. 1-25) shows elements that suggest:

A system for customizing displays, comprising: electronic user profile data comprising on-line behavior data and personal data; content data for a plurality of content providers; a plurality of

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model parameters identifying display characteristics for a computer display; a plurality of actual display characteristics selected in accordance with said electronic user profile data, said content data, and said plurality of model parameters; and a display comprising said actual display characteristics.

LeMole lacks an explicit recitation of: “a plurality of model parameters identifying display characteristics for a computer display. . . .”; however,

LeMole (FIG. 3; col. 6, ll. 58-66; and col. 7, ll. 20-30) suggests “a plurality of model parameters identifying display characteristics for a computer display. . . .”; therefore,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (FIG. 3; col. 6, ll. 58-66; and col. 7, ll. 20-30) would have been selected in accordance with “a plurality of model parameters identifying display characteristics for a computer display. . . .” because such selection would have provided “*dynamically configured composite . . . pages, the user can then click on a particular image, video window, banner, etc., to retrieve. . . .*” (See LeMole (col. 2, ll. 40-46)).

As per claim 3, LeMole shows the system of claim 1. (See the rejection of claim 1 supra).

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LeMole (FIG. 2; col. 2, ll. 45-55; and col. 4, ll. 40-65) shows elements that suggest “wherein the personal data comprises age, sex, hobbies, and interests.”

LeMole lacks an explicit recitation of: “wherein the personal data comprises age, sex, hobbies, and interests.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (FIG. 2; col. 2, ll. 45-55; and col. 4, ll. 40-65) would have been selected in accordance with “wherein the personal data comprises age, sex, hobbies, and interests. . . .” because such selection would have provided a method of *“dynamic formulation of a composite page that is customized for that user to advertise goods and services that are likely to be of interest to that user based on the user’s expressed areas of interest and demographic data of that user as provided in the profile. . . .”* (See LeMole (col. 3, ll. 1-8)).

As per claim 4, LeMole shows the system of claim 1. (See the rejection of claim 1 supra).

LeMole (FIG. 3; col. 6, ll. 58-66; and col. 7, ll. 20-30) suggests “model parameters. . . .”

LeMole (FIG. 2; and col. 3, ll. 1-8) suggests “wherein said model parameters comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts.”

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LeMole lacks an explicit recitation of: “wherein said model parameters comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .”; however,

LeMole (FIG. 2) shows a desktop display which includes a menu bar and a toolbar. It was notoriously well known in the art at the time of the invention that in the Windows environment, menu bars and toolbars on a Windows desktop display included a “number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .”; therefore,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (FIG. 2) would have been selected in accordance with “wherein said model parameters comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .” because such selection would have provided a method of “*dynamic formulation of a composite page that is customized for that. . . .*” user. (See LeMole (col. 3, ll. 1-8)).

As per claim 5, LeMole shows the system of claim 1. (See the rejection of claim 1 supra).

LeMole (col. 1, ll. 11-22; col. 3, ll. 60-67; col. 4, ll. 1-5; col. 4, ll. 36-52; and col. 5, ll. 20-25) shows elements that suggest “wherein said content data comprises data for products and services.”

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LeMole lacks an explicit recitation of: “wherein said content data comprises data for products and services. . . .”; however,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (col. 1, ll. 11-22; col. 3, ll. 60-67; col. 4, ll. 1-5; col. 4, ll. 36-52; and col. 5, ll. 20-25) would have been selected in accordance with “wherein said content data comprises data for products and services. . . .” because such selection would have provided a method of “*dynamic formulation of a composite page that is customized for that. . . .*” user. (See LeMole (col. 3, ll. 1-8)).

As per claim 6, LeMole (the ABSTRACT, FIG. 1; FIG. 2; FIG. 3; col. 2, ll. 12-56; col. 2, ll. 60-67; col. 3, ll. 1-9; col. 4, ll. 10-67; and col. 5, ll. 1-25) shows elements that suggest: “A method for customizing displays in accordance with user preference . . . creating electronic profile data for a computer user . . . selecting content provider data; and . . . displaying said content provider data in accordance with said actual display characteristics.”

LeMole (FIG. 2; and col. 3, ll. 1-8) shows elements that suggest “defining general display characteristics for a computer display. . . .”

LeMole (FIG. 3; col. 3, ll. 1-8; col. 6, ll. 58-66; and col. 7, ll. 20-30) shows elements that suggest “applying a predictive model to said electronic profile data to select actual display characteristics in accordance with said general display characteristics. . . .”

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LeMole lacks an explicit recital of: “applying a predictive model to said electronic profile data to select actual display characteristics in accordance with said general display characteristics. . . .”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (FIG. 3; col. 3, ll. 1-8; col. 6, ll. 58-66; and col. 7, ll. 20-30) would have been selected in accordance with “applying a predictive model to said electronic profile data to select actual display characteristics in accordance with said general display characteristics. . . .” because such selection would have provided “*dynamically configured composite . . . pages, the user can then click on a particular image, video window, banner, etc., to retrieve. . . .*” (See LeMole (col. 2, ll. 40-46)).

As per claim 7, LeMole shows the system of claim 6. (See the rejection of claim 6 supra).

LeMole (col. 3, ll. 1-8; col. 3, ll. 27-65; and FIG. 2) shows elements that suggest “wherein the step of creating said electronic profile data comprises the step of obtaining navigational preference data and demographic data for said computer user.”

LeMole lacks an explicit recital of “wherein the step of creating said electronic profile data comprises the step of obtaining navigational preference data and demographic data for said computer user.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (col. 3, ll. 1-8; col. 3, ll. 27-65; and FIG. 2) would

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have been selected in accordance with “wherein the step of creating said electronic profile data comprises the step of obtaining navigational preference data and demographic data for said computer user. . . .” because such selection would have provided “*dynamically configured composite . . . pages, the user can then click on a particular image, video window, banner, etc., to retrieve. . . . customized for that. . . .*” user. (See LeMole (col. 2, ll. 40-46; and col. 3, ll. 1-8)).

As per claim 8, LeMole shows the system of claim 6. (See the rejection of claim 6 supra).

LeMole (FIG. 3; col. 6, ll. 58-66; and col. 7, ll. 20-30) suggests a “predictive model. . . .”

LeMole (FIG. 2; and col. 3, ll. 1-8) suggests “wherein said predictive model is adapted to select actual display characteristics regarding the number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts.”

LeMole lacks an explicit recitation of: “wherein said predictive model is adapted to select actual display characteristics regarding the number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts. . . .”; however,

LeMole (FIG. 2; and col. 3, ll. 1-8) shows a desktop display which includes a menu bar and a toolbar. It was notoriously well known in the art at the time of the

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invention that in the Windows environment, menu bars and toolbars on a Windows desktop display include a “predictive model [which] is adapted to select actual display characteristics regarding the number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts. . . .”; therefore,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (FIG. 2; and col. 3, ll. 1-8) would have been selected in accordance with “wherein said predictive model is adapted to select actual display characteristics regarding the number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts. . . .” because such selection would have provided a method of “*dynamic formulation of a composite page that is customized for that. . . .*” user. (See LeMole (col. 3, ll. 1-8)).

As per claim 9, LeMole shows the system of claim 6. (See the rejection of claim 6 supra).

LeMole (FIG. 2; and col. 3, ll. 1-8) suggests “defining said general display characteristics comprises the step of defining an available number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts.”

LeMole lacks an explicit recitation of: “defining said general display characteristics comprises the step of defining an available number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts. . . .”; however,

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LeMole (FIG. 2; and col. 3, ll. 1-8) shows a desktop display which includes a menu bar and a toolbar. It was notoriously well known in the art at the time of the invention that in the Windows environment, menu bars and toolbars on a Windows desktop display include the capability of “defining said general display characteristics comprises the step of defining an available number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts. . . .”; therefore,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (FIG. 2; and col. 3, ll. 1-8) would have been selected in accordance with “defining said general display characteristics comprises the step of defining an available number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts. . . .” because such selection would have provided a method of “*dynamic formulation of a composite page that is customized for that. . . .*” user. (See LeMole (col. 3, ll. 1-8)).

As per claim 10, LeMole in view of shows the system of claim 6. (See the rejection of claim 6 supra).

LeMole (col. 1, ll. 11-22; col. 3, ll. 60-67; col. 4, ll. 1-5; col. 4, ll. 36-52; and col. 5, ll. 20-25) shows elements that suggest “wherein the step of selecting content provider data comprises the step of selecting products and services.”

LeMole lacks an explicit recitation of: “wherein the step of selecting content provider data comprises the step of selecting products and services. . . .”; however,

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It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (col. 1, ll. 11-22; col. 3, ll. 60-67; col. 4, ll. 1-5; col. 4, ll. 36-52; and col. 5, ll. 20-25) would have been selected in accordance with “wherein the step of selecting content provider data comprises the step of selecting products and services. . . .” because such selection would have provided a method of “*dynamic formulation of a composite page that is customized for that. . . .*” user. (See LeMole (col. 3, ll. 1-8)).

As per claim 16, LeMole (the ABSTRACT, FIG. 1; FIG. 2; FIG. 3; col. 2, ll. 12-56; col. 2, ll. 60-67; col. 3, ll. 1-9; col. 4, ll. 10-67; and col. 5, ll. 1-25) shows elements that suggest: “An electronic marketing system comprising: a plurality of electronic user profiles. . . .”

LeMole (FIG. 2; and col. 3, ll. 1-8) shows elements that suggest “variable display characteristics for defining the layout of a computer display. . . .”

LeMole (FIG. 3; col. 3, ll. 1-8; col. 6, ll. 58-66; and col. 7, ll. 20-30) shows elements that suggest “a predictive model for selecting actual display characteristics in accordance with one of said plurality of electronic user profiles . . . and a computer display comprising said actual display characteristics.”

LeMole lacks an explicit recital of: “selecting actual display characteristics in accordance with one of said plurality of electronic user profiles and said merchant data from said database. . . .”

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LeMole (FIG. 1; col. 5, ll. 23-67; and col. 6, ll. 1-19) discloses an “*advertiser’s/advertising database. . .*” The Examiner interprets this disclosure as suggesting a “merchant’s database. . .”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (FIG. 3; col. 3, ll. 1-8; col. 6, ll. 58-66; and col. 7, ll. 20-30) in view of LeMole (FIG. 1; col. 5, ll. 23-67; and col. 6, ll. 1-19) would have been selected in accordance with “selecting actual display characteristics in accordance with one of said plurality of electronic user profiles and said merchant data from said database. . .” because such selection would have provided “*dynamically configured composite . . . pages, the user can then click on a particular image, video window, banner, etc., to retrieve. . .*” (See LeMole (col. 2, ll. 40-46)).

As per claim 18, LeMole shows the system of claim 16. (See the rejection of claim 16 supra).

LeMole (col. 1, ll. 11-22; col. 3, ll. 60-67; col. 4, ll. 1-5; col. 4, ll. 36-52; and col. 5, ll. 20-65) shows elements that suggest “wherein said merchant data comprises information regarding products and services available from said plurality of merchants.”

LeMole lacks an explicit recitation of: “wherein said merchant data comprises information regarding products and services available from said plurality of merchants. . .”; however,

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It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (col. 1, ll. 11-22; col. 3, ll. 60-67; col. 4, ll. 1-5; col. 4, ll. 36-52; and col. 5, ll. 20-65) would have been selected in accordance with “wherein said merchant data comprises information regarding products and services available from said plurality of merchants. . . .” because such selection would have provided a method of “*dynamic formulation of a composite page that is customized for that. . . .*” user. (See LeMole (col. 3, ll. 1-8)).

As per claim 19, LeMole shows the system of claim 16. (See the rejection of claim 16 supra).

LeMole (FIG. 2; and col. 3, ll. 1-8) suggests “wherein said variable display characteristics comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts.”

LeMole lacks an explicit recitation of: “wherein said variable display characteristics comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .”; however,

LeMole (FIG. 2) shows a desktop display which includes a menu bar and a toolbar. It was notoriously well known in the art at the time of the invention that in the Windows environment, menu bars and toolbars on a Windows desktop display included a “number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .”; therefore,

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It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (FIG. 2) would have been selected in accordance with “wherein said model parameters comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .” because such selection would have provided a method of “*dynamic formulation of a composite page that is customized for that. . . .*” user. (See LeMole (col. 3, ll. 1-8)).

As per claim 20, LeMole shows the system of claim 16. (See the rejection of claim 16 supra).

LeMole (FIG. 3; col. 6, ll. 58-66; and col. 7, ll. 20-30) suggests a “predictive model. . . .”

LeMole (FIG. 2; and col. 3, ll. 1-8) suggests “wherein said predictive model is adapted to select a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts.”

LeMole lacks an explicit recitation of: “wherein said predictive model is adapted to select a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .”; however,

LeMole (FIG. 2) shows a desktop display which includes a menu bar and a toolbar. It was notoriously well known in the art at the time of the invention that in the Windows environment, menu bars and toolbars on a Windows desktop display included a

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“number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .”; therefore,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (FIG. 2) would have been selected in accordance with “wherein said predictive model is adapted to select a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .” because such selection would have provided a method of “*dynamic formulation of a composite page that is customized for that. . . .*” user. (See LeMole (col. 3, ll. 1-8)).

4. Independent claim 11 and dependent claims 2, 12-15 & 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over LeMole in view of Dedrick 5,710,884 (01/20/1998) (herein referred to as “Dedrick ‘884”).

As per claim 2, LeMole shows the system of claim 1. (See the rejection of claim 1 supra).

LeMole lacks an explicit recitation of: “wherein said online behavior data comprises selected sites, number of visits to selected sites, entry and exit times for selected sites, and content selections from selected sites.”

Dedrick ‘884 (col. 8, ll. 31-50; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; and col. 17, ll. 13-25) discloses: “*statistic compilation . . . compiles content-specific*

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information. . . . This information includes . . . how much time the end user spend consuming the electronic content. . . .”

Dedrick ‘884 proposes content and consumption timing modifications that would have applied to the method of LeMole. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Dedrick ‘884 with the method of LeMole because such combination would have provided means of providing “a system which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .” (See Dedrick ‘884 (col. 1, ll. 59-65)).

As per claim 11, LeMole (the ABSTRACT, FIG. 1; FIG. 2; FIG. 3; col. 2, ll. 12-56; col. 2, ll. 60-67; col. 3, ll. 1-9; col. 4, ll. 10-67; and col. 5, ll. 1-25) shows elements that suggest: “A method for online product marketing comprising the steps of: a) defining electronic profile data for a computer user . . . c) defining model parameters for a computer display; and

LeMole (FIG. 3; col. 3, ll. 1-8; col. 6, ll. 58-66; and col. 7, ll. 20-30) shows elements that suggest “d) combining said electronic profile data and said merchant data to create a customized computer display in accordance with said model parameters.”

LeMole lacks an explicit recital of: “b) defining account data for a plurality of merchants. . . .”

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Dedrick '884 (FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42) shows elements that suggest “(b) defining account data for a plurality of merchants. . . .”

Dedrick '884 proposes merchant account modifications that would have applied to the method of LeMole. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Dedrick '884 with the method of LeMole because such combination would have provided means of providing “a system *which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .*” (See Dedrick '884 (col. 1, ll. 59-65)).

As per claim 12, LeMole in view of Dedrick '884 shows the system of claim 11. (See the rejection of claim 11 supra).

LeMole (col. 3, ll. 1-8; col. 3, ll. 27-65; and FIG. 2) shows elements that suggest “wherein the step of defining said electronic profile data comprises the step of obtaining navigational preference data and demographic data for said computer user.”

LeMole lacks an explicit recital of “wherein the step of defining said electronic profile data comprises the step of obtaining navigational preference data and demographic data for said computer user.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (col. 3, ll. 1-8; col. 3, ll. 27-65; and FIG. 2) would

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have been selected in accordance with “wherein the step of defining said electronic profile data comprises the step of obtaining navigational preference data and demographic data for said computer user. . . .” because such selection would have provided “*dynamically configured composite . . . pages, the user can then click on a particular image, video window, banner, etc., to retrieve. . . . customized for that. . . .*” user. (See LeMole (col. 2, ll. 40-46; and col. 3, ll. 1-8)).

As per claim 13, LeMole shows the system of claim 11. (See the rejection of claim 11 supra).

LeMole lacks an explicit recital of: “defining account data for a plurality of merchants. . . .”

Dedrick ‘884 (FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42) shows elements that suggest “defining account data for a plurality of merchants. . . .”

Dedrick ‘884 proposes merchant account modifications that would have applied to the method of LeMole. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Dedrick ‘884 with the method of LeMole because such combination would have provided means of providing “a system *which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .*” (See Dedrick ‘884 (col. 1, ll. 59-65)).

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LeMole (col. 1, ll. 11-22; col. 3, ll. 60-67; col. 4, ll. 1-5; col. 4, ll. 36-52; and col. 5, ll. 20-25) shows elements that suggest “uploading from said plurality of merchants information regarding products and services available from said plurality of merchants.”

LeMole lacks an explicit recitation of: “wherein the step of defining account data for a plurality of merchants comprises the step of uploading from said plurality of merchants information regarding products and services available from said plurality of merchants. . . .”; however,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (col. 1, ll. 11-22; col. 3, ll. 60-67; col. 4, ll. 1-5; col. 4, ll. 36-52; and col. 5, ll. 20-25) in view of Dedrick ‘884 (FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42) would have been selected in accordance with “uploading from said plurality of merchants information regarding products and services available from said plurality of merchants. . . .” because such selection would have provided a method of “*dynamic formulation of a composite page that is customized for that. . . .*” user. (See LeMole (col. 3, ll. 1-8)).

As per claim 14, LeMole shows the system of claim 11. (See the rejection of claim 11 supra).

LeMole (FIG. 3; col. 6, ll. 58-66; and col. 7, ll. 20-30) suggests “defining model parameters for a computer display. . . .”

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LeMole (FIG. 2; and col. 3, ll. 1-8) suggests “defining an available number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts.”

LeMole lacks an explicit recitation of: “defining an available number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts. . . .”; however,

LeMole (FIG. 2) shows a desktop display which includes a menu bar and a toolbar. It was notoriously well known in the art at the time of the invention that in the Windows environment, menu bars and toolbars on a Windows desktop display included defining an available number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .”; therefore,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (FIG. 2) would have been selected in accordance with “wherein said model parameters comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .” because such selection would have provided a method of “*dynamic formulation of a composite page that is customized for that. . . .*” user. (See LeMole (col. 3, ll. 1-8)).

As per claim 15, LeMole shows the system of claim 11. (See the rejection of claim 11 supra).

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LeMole (FIG. 3; col. 6, ll. 58-66; and col. 7, ll. 20-30) suggests “defining model parameters for a computer display. . . .”

LeMole (the ABSTRACT, FIG. 1; FIG. 2; FIG. 3; col. 2, ll. 12-56; col. 2, ll. 60-67; col. 3, ll. 1-9; col. 4, ll. 10-67; and col. 5, ll. 1-25) shows elements that suggest: “combining said electronic profile data and said merchant data to create a customized computer display in accordance with said model parameters. . . .”

LeMole (FIG. 2; and col. 3, ll. 1-8) suggests “selecting a number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts based on said electronic profile data; and displaying selected merchant data in accordance with the selected number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts.”

LeMole lacks an explicit recitation of: “selecting a number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts based on said electronic profile data; and displaying selected merchant data in accordance with the selected number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts. . . .”; however,

LeMole (FIG. 2) shows a desktop display which includes a menu bar and a toolbar. It was notoriously well known in the art at the time of the invention that in the Windows environment, menu bars and toolbars on a Windows desktop display included “selecting a number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts based on said electronic profile data; and displaying

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selected merchant data in accordance with the selected number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts. . . .”; therefore,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (FIG. 2) would have been selected in accordance with “selecting a number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts based on said electronic profile data; and displaying selected merchant data in accordance with the selected number of options, option locations, option shapes, option sizes, background, foreground, colors, borders, and fonts. . . .” because such selection would have provided a method of “*dynamic formulation of a composite page that is customized for that. . . .*” user. (See LeMole (col. 3, ll. 1-8)).

As per claim 17, LeMole shows the system of claim 16. (See the rejection of claim 16 supra).

LeMole (FIG. 2; col. 2, ll. 45-55; and col. 4, ll. 40-65) shows elements that suggest “wherein said electronic user profiles comprise online behavior data comprising . . . personal data comprises age, sex, hobbies, and interests.”

LeMole lacks an explicit recitation of: “wherein said electronic user profiles comprise online behavior data comprising . . . personal data comprises age, sex, hobbies, and interests. . . .”

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It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of LeMole (FIG. 2; col. 2, ll. 45-55; and col. 4, ll. 40-65) would have been selected in accordance with “wherein said electronic user profiles comprise online behavior data comprising . . . personal data comprises age, sex, hobbies, and interests. . . .” because such selection would have provided a method of “*dynamic formulation of a composite page that is customized for that user to advertise goods and services that are likely to be of interest to that user based on the user’s expressed areas of interest and demographic data of that user as provided in the profile. . . .*” (See LeMole (col. 3, ll. 1-8)).

LeMole lacks an explicit recitation of: “wherein said electronic user profiles comprise online behavior data comprising selected sites, number of visits to selected sites, entry and exit times for selected sites, and content selections from selected sites. . . .”

Dedrick ‘884 (col. 8, ll. 31-50; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; and col. 17, ll. 13-25) discloses: “*statistic compilation . . . compiles content-specific information. . . . This information includes . . . how much time the end user spend consuming the electronic content. . . .*”

Dedrick ‘884 proposes content and consumption timing modifications that would have applied to the method of LeMole. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Dedrick ‘884 with the method of LeMole because such combination would have provided means of providing

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"a system which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . ." (See Dedrick '884 (col. 1, ll. 59-65)).

CONCLUSION

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Sixth floor Receptionist
Crystal Park II
2121 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young



Patent Examiner



ERIC W. STAMBER
PRIMARY EXAMINER

October 9, 2001